

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

Taurus Blossom, individually and)	
for others similarly situated,)	
)	
<i>Plaintiff</i>)	
)	No. 22-cv-_____
-vs-)	
)	<i>(jury demand)</i>
Wexford Health Sources, Inc. and)	
Dr. Vipin Shah,)	
)	
<i>Defendants.</i>)	

COMPLAINT

Plaintiff, by counsel, alleges as follows:

1. This is a civil action arising under 42 U.S.C. § 1983. The jurisdiction of this Court is invoked under 28 U.S.C. § 1343 and § 1367. Plaintiff asserts federal and state law claims against each defendant.
2. Plaintiff Taurus Blossom is a disabled resident of the Northern District of Illinois; Blossom is missing his right leg, is able to walk by using a prosthetic limb and a cane or crutches and is in constant pain.
3. Plaintiff's constant pain is remediated by various pain medications, including Tramadol and more powerful medications.
4. Plaintiff is not presently confined in any jail or prison.

5. Defendant Wexford Health Sources, Inc. is a foreign corporation that provides health care to prisoners in the Illinois Department of Corrections.

6. Defendant Dr. Vipin Shah was at all times relevant a physician employed by defendant Wexford at the Robinson Correctional Center in the Southern District of Illinois.

7. Plaintiff was a prisoner at the Robinson Correctional Center in 2019 and 2020.

8. While a prisoner at the Robinson Correction Center, plaintiff complained about extreme pain at the site of his amputated leg.

9. Defendant Dr. Shah examined plaintiff and prescribed Tramadol to minimize the pain to be taken one tablet of 50 mg twice a day.

10. Tramadol is used to help relieve moderate to moderately severe pain. It provides greater pain relief than Tylenol (acetaminophen).

11. Defendant Dr. Shah wrote at least two prescriptions for Tramadol, on May 18, 2019 (for one month) and on September 18, 2019 (for five months).

12. Pursuant to an explicit policy of defendant Wexford, defendant Dr. Shah was required to limit the medications he prescribed to those authorized by Wexford.

13. Before February of 2020, defendant Wexford permitted its physician employees to prescribe Tramadol.

14. Starting on or about February 28, 2020, Wexford prohibited its physicians from prescribing Tramadol.

15. Pursuant to the above-stated policy, defendant Dr. Shah substituted Tylenol for Tramadol in a prescription he wrote on February 28, 2020; plaintiff continued to receive Tylenol instead of Tramadol through the remainder of his incarceration at the Robinson Correctional Center.

16. Plaintiff suffered unreasonable pain each day that he received Tylenol rather than Tramadol.

17. Defendant Shad did not make any medical judgment in substituting Tylenol for Tramadol but simply followed the orders of his employer.

18. Defendant Shah, when he substituted Tylenol for Tramadol, knew that the substitution would cause harm to plaintiff and knew that this action did not meet the standard of care.

19. Defendant Wexford, when it adopted the above-stated policy, knew that it would cause harm to plaintiff and others similarly situated.

20. Defendant Wexford, when it adopted the above-stated policy, knew that refusing to permit its physicians to prescribe Tramadol did not meet the standard of care.

21. As a result of the foregoing, plaintiff and others similarly situated were deprived of rights secured by the Eighth Amendment to the Constitution of the United States by the deliberate indifference of defendants Shah and Wexford

22. The acts described above by defendants Shah and Wexford did not meet the standard of care, caused harm to plaintiff, and constituted the Illinois tort of healing arts malpractice.

23. Plaintiff hereby demands trial by jury.

Wherefore plaintiff requests that the case proceed as a class action and that appropriate damages be awarded, including an award of fees on his federal claims, and costs on all claims.

/s/ Joel A. Flaxman
Joel A. Flaxman
ARDC No. 6292818
Kenneth N. Flaxman
200 S Michigan Ave, Ste 201
Chicago, IL 60604
(312) 427-3200
Attorneys for plaintiff